

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

OCT 18 2021

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

MELINDA SCOTT,)
)
PLAINTIFF.)
)
V.)
)
WISE CO. DSS,)
ET AL.,)
)
DEFENDANTS.)

CL NO. 2:20cv14

PLAINTIFF's REPLY
IN SUPPORT OF MOTION FOR SANCTIONS

COMES NOW, the Plaintiff, Melinda Scott and replies:

1. Defendant Moon, by counsel, has misquoted Fed. Rule of Civ. Proc. 11(c)(2)
2. Defendant Moon, by counsel, inaccurately stated that Fed. Rule of Civ. Proc. 11(c)(2) says the Motion for Sanctions "cannot be incorporated into another filing".
That language does *not* appear in the text.
3. Fed. Rule of Civ. Proc. 11(c)(2) more accurately reads: "A motion for sanctions must be made separately from any other motion...".
4. Plaintiff Scott did not file her Motion for Sanctions together with "any other motion".
5. More than 21 days has elapsed since Counsel Hardin first lied in a pleading about Plaintiff Scott. The first time he lied in a pleading, in violation of Fed. Rule of Civ.

Proc. was September 8, 2021 (docket #63) and the Plaintiff's Motion for Sanctions (docket #89) marks that as the first time he lied (page 5, footnote 1 referring to docket #75). The second time he lied was in a Proposed Order around September 22, 2021. He has failed to retract those statements described in Docket #63 and Docket #75 within the 21 day time period, which fell on September 29, 2021.

6. This court should take note that Counsel Hardin did not deny lying on September 8, 2021 in his reply.
7. He has also failed to retract his false statements to this court in a Proposed Order he submitted before this court via email and then docketed (docket #73). The 21 day period would have fallen on October 13, 2021.
8. He has also recently lied in his Motion for Attorney's Fees filed October 13, 2021 as noted in the Plaintiff's response (not yet filed "Reply to Defendant Moon's Motion for Attorney Fees", signed October 15, 2021).
9. Counsel Hardin attempts to use the 21 day window as a manipulative tactic to believe he can put whatever he wants on paper and meanwhile wait for the 21 day window like a sitting duck. He could have retracted his false statements made on October 7, 2021, because he doesn't need court records to verify that he knowingly made statements without doing evidentiary homework first as required by Rule 11(b). The purpose of the 21 day time period is to give filing time to correct, not opportunity to manipulate, which is what Counsel Hardin seeks to do.
10. This court cannot reasonably expect the Plaintiff to file three (3) separate Motions for Sanctions for each violation of Rule 11(b) by Counsel Hardin.

REPLY MOTION FOR SANCTIONS

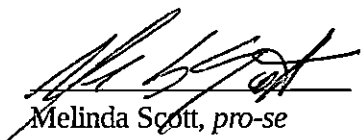
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PAGE 2 of 4

11. This court has an opportunity to act: "On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b)" (Rule 11(3))
12. For the sake of conserving judicial resources and time, this court should make him answer for all the false statements he has signed his name to in violation of Rule 11(b), even the one for which 21 days has not lapsed, or the Plaintiff will have to file repeated Motions for Sanctions.

In consideration of Rule 11(3) this court should order Counsel Hardin to explain why he has repeatedly lied in multiple filings before this court in violation of Rule 11(b) without retracting the statements within 21 days. Not only that, this court should disqualify Counsel Hardin from representing Joshua Moon because of his repeated intentional violations of Rule 11(b).

SIGNED,



Melinda Scott, *pro-se*
PO BOX 1133-2014PMB87 (VA ACP address)
Richmond, VA 23218
540-692-2342
mscottw@gmu.edu

REPLY MOTION FOR SANCTIONS

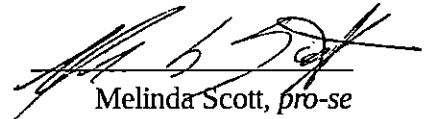
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PAGE 3 of 4

CERTIFICATE OF SERVICE

I certify that I have mailed a copy of this REPLY TO MOTION FOR SANCTIONS to Counsel for the Defendant, Matthew D. Hardin, VSB #87482, 1725 I Street NW, Suite 300, Washington, D.C., 20006, and at matthewdhardin@gmail.com on this __15th__ day of OCT., 2021.

SIGNED,

A handwritten signature in black ink, appearing to read 'Melinda Scott', is written over a horizontal line.

Melinda Scott, *pro-se*
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REPLY MOTION FOR SANCTIONS

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PAGE 4 of 4